



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Mark Grzan, Mayor Pro Tempore	Mark Grzan, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, FEBRUARY 1, 2006

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

7:00 P.M.

A Special Meeting of the Redevelopment Agency is Called at 7:00 P.M. for the Purpose of Conducting Redevelopment Agency Business.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

Eric Marlatt, Senior Planner
Steve Golden, Associate Planner
Heather Phillips, Assistant Planner
Heidi Crouch, Office Assistant II
John Amos, Code Enforcement Officer
Director of Community Development Molloy-Previsich

Officer Sara Alanis
Officer Joe Burdick
Officer Jeff Brandon
Officer Jason Broyer
Officer Joshua Norris
Public Safety Dispatcher Idalia Echegoyen
Public Safety Dispatcher Lynette Madruga
Police Records Specialist Alison Comerford
Cadet Ryan Halla
Police Chief Cumming

CITY COUNCIL REPORT

Council Member Tate

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-8

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **AWARD OF PROFESSIONAL SERVICES CONTRACT FOR A “TRAILS AND NATURAL RESOURCES STUDY”** 1
Recommended Action(s): Authorize the City Manager to Execute a Consultant Agreement with Royston Hanamoto Alley & Abey for Preparation of a Trails and Natural Resources Study which Shall Serve as the City’s Trails Master Plan, Subject to Review and Approval by the City Attorney.
2. **AMENDMENT TO THE FINAL CONTRACT AMOUNT FOR CONSTRUCTION OF JACKSON OAKS BOOSTER STATION REHABILITATION PROJECT** 9
Recommended Action(s): Approve an Addition to the Final Contract Amount for the Jackson Oaks Booster Station Rehabilitation Project in the Amount of \$12,120, for a Total Contract Amount of \$1,101,791.
3. **FINAL MAP APPROVAL FOR COYOTE ESTATES PHASE XI (TRACT 9735)** 11
Recommended Action(s):
 1. Approve the Final Map, Subdivision Agreement and Improvement Plans;
 2. Authorize the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and
 3. Authorize the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.
4. **FOURTH AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF HATCH & PARENT** 23
Recommended Action(s): Authorize the City Manager to Execute a Fourth Amendment to Agreement with the Law Firm of Hatch & Parent.
5. **FIFTH AMENDMENT TO AGREEMENT WITH THE STROMBOTNE LAW FIRM** 39
Recommended Action(s): Authorize the City Manager to Execute a Fifth Amendment to Agreement with the Strombotne Law Firm.
6. **DOWNTOWN COMMUNITY SPECIAL EVENTS RULES** 55
Recommended Action(s): Approve Rules as Stipulated, and Include as Part of the Special Event Request Form Process.
7. **ADOPT ORDINANCE NO. 1751, NEW SERIES** 69
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1751, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADDING CHAPTER 18.73 (WATER CONSERVING LANDSCAPES) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING THE ESTABLISHMENT OF LANDSCAPE REGULATIONS PROMOTING THE EFFICIENT USE OF WATER.**

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Consent Calendar: 1 - 10 Minutes	

8. **APPROVE MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF JANUARY 18, 2006** 81

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 9-10

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Consent Calendar: 1 - 10 Minutes	

9. **SECOND QUARTER REPORT FROM THE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT PARTNERSHIP** 95
Recommended Action(s): Accept the Report.
10. **REDEVELOPMENT PLAN AMENDMENT CONSULTANT** 105
Recommended Action(s): Authorize the Executive Director to Execute a Contract with GRC Redevelopment Consultants, Inc. in an Amount Not to Exceed \$225,800 to Perform all Work Necessary to Prepare the Second Amendment to the Redevelopment Plan for the Ojo de Agua Community Development Project Area; Subject to Review and Approval by Agency Counsel.

Redevelopment Agency Action (Continued)

CONSENT CALENDAR:

ITEM 11

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Consent Calendar: 1 - 10 Minutes	

11. **SKEELS BUILDING AND CREST AVENUE APARTMENTS LOANS** 133
Recommended Action(s):
1. **Authorize** Staff to Prepare a New Loan Agreement with South County Housing (SCH) for the Skeels Building to:
 - a) Provide a 20-year Term [through December 2025]
 - b) Require SCH to make a One-Time Payment of \$50,000 Against the Existing Loan Prior to Executing the new Loan
 - c) Have the new Agency Loan Require Fixed Annual Payments of \$3,000
 - d) Authorize the Subordination of the new Agency Loan to a new Conventional Loan;
 2. **Authorize** the Subordination of the Agency's Existing Loans with SCH for the Crest Avenue Apartments (Crest) to the New First Mortgage; and
 3. **Authorize** the Executive Director to do Everything Necessary to Prepare, Negotiate and Execute Loan Documents, Subject to City Attorney Review and Approval.

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
12.	20 Minutes	<u>ZONING AMENDMENT, ZA-05-16/ DEVELOPMENT AGREEMENT, DA-05-07: WRIGHT-MANANA</u>	135
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Approve</u> the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.	
		Action- <u>Motion to Waive</u> the Reading in Full of Zoning Amendment Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
		Action- <u>Motion to Waive</u> the Reading in Full of Development Agreement Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
13.	5 Minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT DAA-04-09: EAST DUNNE-DELCO</u>	185
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
14.	10 Minutes	<u>ZONING AMENDMENT, ZA-05-07/ DEVELOPMENT AGREEMENT, DA-05-05: CENTRAL-DELCO</u>	197
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Approve</u> the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.	
		Action- <u>Motion to Waive</u> the Reading in Full of Zoning Amendment Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
		Action- <u>Motion to Waive</u> the Reading in Full of Development Agreement Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
15.	45 Minutes	<u>APPEAL OF RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCE) PROJECT EVALUATION FOR APPLICATION MC-05-10: EAST FIRST-SHIRAZ, FILED BY SHERMAN HOUSE ASSOCIATES</u>	247
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Conduct</u> Appeal.	
		Action- <u>Adopt</u> Resolution Affirming/Modifying the Planning Commission Evaluation.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
16.	10 Minutes	<u>MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND AMERICAN ANCHORPOINT ACADEMIES, OAK MEADOW PLAZA, ET AL REGARDING JOINT SUBMITTAL OF AN APPLICATION THAT WOULD RESULT IN IMPLEMENTATION OF URBAN LIMIT LINE/GREENBELT STUDY RECOMMENDATIONS FOR DEWITT/EDMUNDSON AREA</u>357 <u>Recommended Action(s):</u> <u>Direct</u> the Mayor to Execute the Memorandum of Understanding on Behalf of the City Council.	
17.	10 Minutes	<u>DRAFT BALLOT LANGUAGE FOR A JUNE 6, 2006 SPECIAL ELECTION</u>367 <u>Recommended Action(s):</u> <u>Review</u> Draft Ballot Measure Relating to the Removal of the "Grocery Supermarket" Restriction from the Cochrane Plaza Shopping Center.	
18.	5 Minutes	<u>LEASE WITH CROWN CASTLE, INTERNATIONAL FOR CELLULAR INSTALLATIONS AT NOB HILL WATER TANK SITE</u>373 <u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to the Execute Lease Agreement with Crown Castle, International for Existing and Future Cellular Installations on the Nob Hill Water Tank Site.	
19.	10 Minutes	<u>CONSIDERATION OF COUNCIL'S 2006 POLICIES AND GOALS</u>405 <u>Recommended Action(s):</u> 1. <u>Review</u> the Draft Policies and Goals; and 2. <u>Adopt</u> or <u>Revise</u> as Appropriate.	
20.	5 Minutes	<u>RECRUITMENT EFFORTS TO FILL UPCOMING VACANCIES TO BOARDS AND COMMISSIONS</u>411 <u>Recommended Action(s):</u> 1. <u>Establish</u> February 2006 as Recruitment, and March 2006 to Interview/Appoint to Fill Vacancies on the Library, Culture & Arts Commission and Parks & Recreation Commission; 2. <u>Establish</u> April 2006 as Recruitment, and May 2006 to Interview/Appoint to Fill Vacancies on the Architectural & Site Review Board (ARB), Mobile Home Rent Stabilization Commission, and the Senior Advisory Commission; and 3. <u>Direct</u> Staff Regarding any Questions the Council would Like Added to the Applications.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.